

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

FILED - CLERK  
U.S. DISTRICT COURT  
2005 MAY -2 PM 3:54  
TX EASTERN-BEAUMONT  
BY Chad M. Smith

RICHARD JAMES JOHNSON, #1005689

§

VS.

§

CIVIL ACTION NO. 9:05cv77

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner thereto, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and that the objections by the Petitioner are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice. The Petitioner may refile the petition if the Fifth Circuit grants him permission to file a successive petition. 28 U.S.C. § 2244(3)(A). All motions not previously ruled on are hereby **DENIED**.

SIGNED this 30th day of April, 2005.

  
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RON CLARK  
UNITED STATES DISTRICT JUDGE